REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-8, 10-21, and 23-25 are presently active in this case. The present Amendment amends Claims 1 and 15; cancels Claims 9 and 22 without prejudice or disclaimer, and adds new Claims 24-25 without introducing any new matter.

Claims 1-9 and 15-22 were rejected under 35 U.S.C. §103(a) as unpatentable over Morales et al. (U.S. Patent No. 4,847,837, herein "Morales") in view of Sandesara (U.S. Patent No. 5,327,427).

Claims 11-14 were allowed and Claims 10 and 23 were indicated as allowable if rewritten in independent form. Applicants acknowledge with appreciation the indication of allowable subject matter.

Independent Claims 1 and 15 are amended to recite "wherein each splitting device is configured to support a higher bit rate than the nominal bit rate of the splitting device." This feature finds non-limiting support in the disclosure as originally filed, for example from page 11, line 37 to page 12, line 5 and at page 13, lines 18-26. Since dependent Claims 9 and 22 recited a similar feature, these claims are cancelled without prejudice or disclaimer.

To vary the scope of protection recited in the claims, new Claims 24-25 are added. New Claims 24 and 25 depend upon Claim 1 and 15, respectively, and recite "the splitting device is configured to support a bit rate of two times a nominal bit rate of the splitting device." This feature finds non-limiting support in Applicants' Specification as originally filed, for example from page 11, line 37 to page 12, line 5 and at page 13, lines 18-26. Therefore, the new claims are not believed to raise any questions on new matter.

In response to the rejection of Claims 1-9 and 15-22 under 35 U.S.C. §103(a), Applicants respectfully request reconsideration of this rejection and traverse the rejection, as discussed next.

Briefly recapitulating, Claim 1 relates to a network for distributing information between a central unit and stations. The network includes, *inter alia*: information splitting devices with inputs/outputs connected to the central unit and to the stations, an interface device in each station, wherein the interface device of each station is linked to a first splitting device and to a second splitting device by the interface device of at least one additional station, and wherein ***each splitting device is configured to support a higher bit rate than the nominal bit rate of the splitting device***.

Turning now to the applied reference, Morales discloses an error-detecting and error-correcting local area networked computer system, wherein an interfacing transceiver 18 attached to networks 12 and 14 is connected to a plurality of nodes 16.[1] Switches 34 with two outputs 36 and 38 are located between the nodes 16 and the interfacing transceivers 18 to connect or disconnect the nodes to the networks 12 and 14.[2] However, Morales fails to teach that a splitting device is configured to support a higher bit rate than the nominal bit rate of the splitting device, as newly recited in Applicants' independent Claims 1 and 15.

Applicants respectfully submit the reference Sandesara also fails to teach or suggest the above feature that each splitting device is configured to support a higher bit rate than the nominal bit rate of the splitting device, as next discussed.

The outstanding Office Action points out to Sandesara's column 5, lines 60-66 and asserts that Sandesara teaches a feature regarding "the splitting devices capable of supporting a bit rate greater that a nominal bit rate."[3] Applicants respectfully disagree, since Sandesara

[1] See Morales in the Abstract.
[2] See Morales at column 4, lines 51-67 and in corresponding Figure 2.
[3] See the outstanding Office Action at page 4, lines 9-12.

recites in this passage that "[e]ach segment can operate at a different rate, can have a different signal structure and can contain a different number of subrate channels."[4] Segments of a ring with a certain number of add-drop multiplexer (ADM) nodes, operating at different transmission rates,[5] as taught by Sandesara, are not splitting devices configured to support a higher bit rate than the nominal bit rate of the splitting device, as newly recited in independent Claims 1 and 15.

Since from the teachings of Sandesara it seems that an entire segment operates at the same bit rate, including ADM nodes and the cross connection nodes, Sandesara even teaches away from splitting devices configured to support a higher bit rate than the nominal bit rate of the splitting device.

Therefore, even if the combination of Morales and Sandesara is assumed to be proper, the combination fails to teach every element of the claimed invention. Specifically, the combination fails to teach or suggest that the claimed splitting devices are configured to support a bit rate of at least two times a nominal bit rate of the splitting device. Accordingly, Applicants respectfully traverse, and request reconsideration of, this rejection based on these patents.[6]

Applicants respectfully traverse the obviousness-type rejection based on Morales and Sandesara because there is insufficient evidence for a motivation to modify Morales' control computer 30 monitoring the status of a networked computer system to eventually connect and disconnect to first or second network cables,[7] by incorporating Sandesara's cross connect nodes 320 and 330, for the following reasons.[8]

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[4] See Sandesara at column 5, lines 61-64.
[5] See Sandesara at column 5, lines 55-66 and in Figure 3-6.
[6] See MPEP 2142 stating, as one of the three "basic criteria [that] must be met" in order to establish a *prima facie* case of obviousness, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."
[7] See Morales in the Abstract, lines 17-25 and in Figure 2.
[8] See MPEP 2143.01 stating "[o]bviousness can only be established by combining or modifying the teaching of

The outstanding Office Action states that the proposed modification would have been obvious "to arrange each station or node 311-330 to connect to a second splitting device (cross connect nodes 320 and 330) via one additional station as taught by Sandesara in Morales's system to form multiples [sic] logical rings structure for balancing communication traffic between nodes."[9] However, Applicants respectfully submit that t is not clear from the record how Sandesara's cross connect nodes 320 and 330 could be incorporated into the Morales, as next discussed.

In Morales' network 10", control computer 30 is not a central unit, but a monitor for controlling the status of the networked computer system.[10] Morales' network interface boards 20 and 22 only work alternatively, since a workstation 16 is only connected to one network at one time.[11] However, Sandesara's nodes 311 to 330 are splitting devices,[12] that may read upon Morales' interface transceivers 18, and therefore it would not be obvious to link each station 16 via an interface device 20-22 of Morales to a node 311 to 330 of Sandesara. Under such a modification, Morales' interface transceivers 18 would have to connect to different networks. Such modification would require a substantial reconstruction or redesign of the elements of Morales, and/or would change the basic principle of operation of Morales. There is no evidence that a person of ordinary skill in the art would be motivated to perform such changes and redesign.[13]

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the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art," (citations omitted). See also MPEP 2144.08 III stating that "[e]xplicit findings on motivation or suggestion to select the claimed invention should also be articulated in order to support a 35 U.S.C. 103 ground of rejection. . . Conclusory statements of similarity or motivation, without any articulated rational or evidentiary support, do not constitute sufficient factual findings."

[9] See the outstanding Office Action at page 3, lines 7-11.

[10] See Morales in the Abstract, and at column 4, lines 57-68, and in corresponding Figure 2.

[11] See Morales at column 3, lines 8-14.

[12] See Sandesara at column 5, lines 16-24, and for example in Figure 3.

[13] See In re Ratti, 270 F.2d 810, 813, 123 USPQ 349, 352 (reversing an obviousness rejection where the "suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate.")

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-8, 10-21 and 23-25 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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